

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 864 OF 2006
IN
NOTICE OF MOTION NO. 4195 OF 2006
IN
SUIT NO. 3345 OF 2006

Cox & Kings (India) Pvt. Ltd.

] .. Appellant
(Ori.Plaintiff)

Versus

1. Bharat Petroleum Corpn. Ltd. & Anr.] .. Respondents
(Ori.Def.1 & 2)

Mr. Virag Tulzapurkar, senior counsel i/b Dhru & Co.
for the appellant.

Ms. S. John i/b M/s. M.P. Savla & Co. for the
respondent No.1.

Ms. Alpana Ghone i/b M/s. India Law Associates for the
respondent No.2.

**CORAM: R.M. LODHA, &
S.A. BOBDE, JJ.**

DATED: 04TH DECEMBER, 2006

P.C. :

. After having heard the senior counsel for the appellant and upon perusal of the impugned order, we are satisfied that no interference is called for in the impugned order. We find ourselves in agreement with the *prima facie* consideration of the matter by the learned single Judge, particularly paragraphs 5 and 12 and so also paragraphs 10 and 11.

2. Appeal, accordingly, does not deserve to be admitted and is dismissed in limine. However, it is clarified that the impugned order shall not influence the consideration of the application for registration made by the appellant being Application No.1242456 dated 10th October, 2003 before the Registrar and the consideration of the Notice of Motion finally by the learned Motion Judge.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]